

ORIGINAL

1. John Sardinha
2. Register Number 89543-022
3. Housing Unit A2D
4. Taft Correctional Institution
5. Post Office Box 7001
6. Taft, California 93268-7001

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 13 2006

at 3 o'clock and 30 min.
SUE BEITIA, CLERK

7. Petitioner, "In Propria Persona."

8. IN THE UNITED STATES DISTRICT COURT

9. FOR THE DISTRICT OF HAWAII

10. JOHN SARDINHA,
11. Petitioner,

CV. NO. 05-00175 DAE-BMK
CR. NO. 02-00272-04 DAE

12. v.

PETITIONER'S MOTION FOR THE
ISSUANCE OF A CERTIFICATE OF
APPEALABILITY; NOTICE OF APPEAL.

13. UNITED STATES OF AMERICA,
14. Respondent,

15.
16. The petitioner, John Sardinha, acting In Propria Persona,
17. submits the instant motion for the issuance of a Certificate
18. of Appealability, with an attached Notice of Appeal for
19. further litigation in the United States Court of Appeals
20. for the Ninth Circuit. The instant motion is submitted under
21. 28 U.S.C. § 2253(c), and the attached Notice of Appeal is
22. timely filed within 60 days of this Court's final judgment
23. denying the petitioner's 28 U.S.C. § 2255 motion. See: Rule
24. 4(a)(1)(B) of the Federal Rules of Appellate Procedure.
25. This Court's final judgment on Sardinha's habeas corpus
26. petition was rendered on February 14, 2006.


27. //

28. //

1. The petitioner seeks review of the issues presented,
2. under the standard clarified by the Supreme Court in Miller-
3. El v. Cockrell, 537 U.S. 322 (2003). The petitioner asserts
4. that a Certificate of Appealability should be issued, as
5. the questions presented in the following are debatable among
6. jurists of reason.

7. Dated: March 3, 2006

Respectfully Submitted,

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9. _____
10. John Sardinha
Petitioner, In Propria Persona

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